

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

Clerk's Minutes  
Before the Honorable James O. Browning

**CASE NO.** 20-CV-0515 JB/SMV **DATE:** 5/26/2021

**TITLE:** *Atcitty v. United States of America*

**COURTROOM CLERK:** L. Rotonda **COURT REPORTER:** J. Bean

**COURT IN SESSION:** 1:38 PM **TOTAL TIME:** 15 MINUTES

**TYPE OF PROCEEDING:** INITIAL SCHEDULING CONFERENCE

**COURT RULING:** DATES AND DEADLINES PROVIDED

**ATTORNEYS PRESENT FOR PLAINTIFF(S):** **ATTORNEYS PRESENT FOR DEFENDANT(S):**

Shenan Atcitty (appearing via telephone) Kimberly Bell (appearing in person)  
Joseph Romero

**PROCEEDINGS:**

**COURT IN SESSION: 1:38 PM**

**COURT:** CALLS CASE, COUNSEL ENTER APPEARANCES. NOTES REVIEWED MOST RECENT JSR/PDP.

QUERIES COUNSEL AS TO WHETHER PARTIES NEED TO ADDRESS COURT REGARDING OTHER  
SCHEDULING ISSUES.

**MR. ROMERO:** NO.

**MS. BELL:** NO.

**COURT:** REVIEWS PROPOSED DATES, SOME OF WHICH WERE PROPOSED BY PARTIES, OTHERS  
CALCULATED BY COURT. COURT NOTES THAT PARTIES HAD REQUESTED PRETRIAL CONFERENCE  
AT SPECIFIC INTERVAL PRIOR TO TRIAL, BUT PROPOSES DATE THAT IS NOT SPECIFIC INTERVAL FROM  
TRAILING DOCKET TRIAL SETTING AND MAY BE APPROXIMATELY THAT FAR OUT FROM TRIAL WHEN  
FIRM SETTING OBTAINED.

**COUNSEL:** AGREE TO SAME.

**COURT:** REVIEWS RESPECTIVE DEADLINES FOR PARTIES TO AMEND PLEADINGS AND JOIN PARTIES, NOTES THAT DATES DO NOT CHANGE SUBSTANTIVE REQUIREMENTS OF FEDERAL RULES OF CIVIL PROCEDURE. NOTES THAT COURT WILL ASK JUDGE VIDMAR AND SET SETTLEMENT CONFERENCE AS SOON AFTER CLOSE OF DISCOVERY IN SEPTEMBER 2021 AS POSSIBLE. INSTRUCTS PARTIES TO CONTACT CRD IF THEY PREFER USING DIFFERENT MJ OR PRIVATE MEDIATOR. COURT REVIEWS PROCEDURES RELATING TO DISCOVERY – IF PARTIES ENCOUNTER DISCOVERY DISPUTES, CALL CRD AND WILL GET ON THE PHONE, OR MAY FORMALLY BRIEF DISCOVERY DISPUTES, OR OPT TO HAVE MJ HANDLE DISCOVERY ISSUES. REMINDS PARTIES OF OBLIGATION TO MEET AND CONFER, AND NOTES THAT COURT MAY ASSIST WITH PROCESS EARLIER. INSTRUCTS PARTIES TO PUT DEADLINES IN MOTION AND ORDER AS TO DAUBERT ISSUES, OR IF THERE IS DISPUTE, COURT CAN GET ON THE PHONE WITH PARTIES TO PROVIDE RULING. COURT NOTES PREFERENCE OF RESOLVING DAUBERT AND OTHER ISSUES PRIOR TO TRIAL. COURT INDICATES WILL PLAN TO HAVE TRIAL IN ALBUQUERQUE. QUERIES PARTIES, ANYTHING ELSE TO DISCUSS?

**MR. ROMERO:** NOTHING.

**MS. BELL:** NOTHING.

**COURT:** IF PARTIES NEED TO MOVE SOMETHING, PUT IN MOTION AND ORDER, OR CALL CRD TO GET COURT ON THE PHONE. HAVE A GOOD AFTERNOON.

**COURT IN RECESS: 1:53 PM**